

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WALTER PEREZ ESCOBAR, MARGARITA  
GONZALEZ and FRANCISCO  
CISNEROS-ZAVALA, individually and on  
behalf of all others similarly situated,

No. C 08-01120 WHA

Plaintiffs,

v.

**ORDER VACATING  
TRIAL DATE AND  
SCHEDULING CMC**

WHITE SIDE CONSTRUCTION  
CORPORATION, NMS SUPPLY INC.,  
J.W. CONSTRUCTION, INC., and  
DAVID R. WHITESIDE,

Defendants.

Counsel have allowed this case to fall off track and various deadlines, including for class certification and summary judgment, have passed. The pre-trial conference scheduled for July 9, 2009, at 3:00 p.m., will be used as a case management conference. The trial date scheduled for July 13, 2009, is hereby vacated. This does not mean, however, that the Court will necessarily allow counsel to resurrect motions for class certification that should have been made long ago. How to deal with the collective action under the FLSA and the issue of notice will be dealt with at the CMC.

**IT IS SO ORDERED.**

Dated: June 26, 2009.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE